

189.580 Duty in case of accident -- Movement of vehicle from roadway after accident -- Removal of vehicles obstructing roadway -- Exemptions -- Costs of removal recoverable.

- (1) (a) The operator of any vehicle, whose vehicle, vehicle load, or vehicle equipment which is involved in an accident resulting in injury to or death of any person or resulting only in damage to a vehicle or other property which is driven or attended by any person, shall immediately stop and ascertain the extent of the injury or damage and render reasonable assistance, including the carrying, or making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants, and operator. The total names need not exceed five (5) in number.
- (b) If an accident that occurs on an interstate highway or parkway or any on-ramp or off-ramp thereto does not involve death, known or visible injury, or the transportation of hazardous material, the operator shall move the vehicle off the roadway to a place as close to the accident scene as practicable without obstructing traffic as soon as the vehicle can be moved without the risk of further injury or damage. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give any other person involved in the accident, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants, and the operator of his or her vehicle, and insurance information for the vehicle.
- (2) The operator of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop as close to the accident scene as possible without obstructing traffic and shall then and there either locate and notify the operator or owner of such vehicle or other property of his or her name, address, and the registration number of the vehicle he or she is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his or her name, address, and the registration number of the vehicle he or she is driving, or shall file a report with the local police department.
- (3) If the operator of a vehicle is unable to move a vehicle off the roadway under the provisions of subsections (1) and (2) of this section, the operator or owner may permit any person who possesses a valid operator's license or proper class of commercial driver's license to move the vehicle as provided in this section.
- (4) Except as provided for in subsection (5) of this section, a peace officer or safety officer may remove or cause to be removed from the roadway of an interstate highway or parkway or any on-ramp or off-ramp thereto, without consent of the owner or operator, any vehicle, cargo, or other property which is

obstructing the roadway, creating or aggravating an emergency situation, or otherwise endangering public safety. Any vehicle, cargo, or other property obstructing the roadway of an interstate highway or parkway shall be removed by the most expeditious means available to clear the obstruction, giving due regard to the protection of the property removed.

- (5) (a) In accidents that involve fatalities or known or visible injuries, the removal provisions of subsection (4) of this section shall apply only after all medical assistance, fire supervision, and site investigation have been completed.
- (b) The removal provisions of subsection (4) of this section shall not apply if an accident involves, or is believed to involve, a release of hazardous materials.
- (6) (a) The operator of a vehicle involved in an accident on a highway in this state which results in a fatality or a known or visible injury to a person or damage to a vehicle which renders the vehicle inoperable shall immediately notify a public safety answering point, law enforcement agency, or law enforcement officer having jurisdiction, if the operator is physically capable of doing so and has in his or her possession a functioning communications device with which to do so.
- (b) In the event an operator fails to notify or is incapable of notifying a public safety answering point, law enforcement agency, or law enforcement officer having jurisdiction, the responsibility for reporting the accident within a reasonable amount of time shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident, if the owner or occupant is physically capable of doing so, has in his or her possession a functioning communications device with which to do so, and, in the case of the owner, knows of the motor vehicle accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with the officer's agency.
- (7) The operator of a vehicle involved in an accident on a highway in this state resulting in injury to or death of any person or in which total property damage of five hundred dollars (\$500) or more is sustained, and in which an investigation is not conducted by a law enforcement officer, shall file a written report of the accident with the Department of Kentucky State Police within ten (10) days of the occurrence of the accident upon forms provided by the department.
- (8) Any agency, including the Commonwealth, that removes property from the roadway may intervene in any civil action arising from the accident to recover any costs expended. An owner of real property shall not be liable for the costs of removal under this section of trees, fences, structures, or other debris which fall into the roadway as a result of fire, severe weather, or other casualty.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 210, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 109, sec. 1, effective July 12, 2006; and ch. 110, sec. 1, effective July 12, 2006. -- Amended 1990 Ky. Acts ch. 94, sec. 2, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 83, sec. 2, effective June 17, 1978; and ch. 434, sec. 7, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 133, sec. 23. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(10). -- Amended 1972 Ky. Acts ch. 64, sec. 2. -- Amended 1958 Ky. Acts ch. 126,

sec. 24. -- Amended 1952 Ky. Acts ch. 151, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2739g-53, 2739g-69x, 2739g-69y.

Legislative Research Commission Note (6/17/78). This section was amended by 1978 Ky. Acts chs. 83 and 434, part of which are in conflict and cannot be compiled together. Effect has been given to all provisions except for the conflicting provision in subsection (3), in which the later amendment by 1978 Ky. Acts ch. 434, sec. 7, prevails.